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February 20, 2014

By ECF

Honorable Alison J. Nathan
United States Courthouse
40 Foley Square
New York, NY 10007

**Re: Lang v. Alvarez & Marsal Healthcare Industry Group, LLC et al.,13-cv-09028
(AJN)**

Dear Judge Nathan,

We represent plaintiff Bradley A. Lang in this action and write in response to Your Honor's February 3, 2014 Order to amend the Complaint to allege the citizenship of each member of A&M Healthcare Industry Group, LLC ("A&M Healthcare") and A&M Holdings, LLC ("A&M Holdings"). On January 31, we learned for the first time that defendants' counsel contended that certain members of A&M Healthcare and/or A&M Holdings are California residents. In response, we asked defendants' counsel to provide documentary evidence of such California membership. On February 14, defendants' counsel furnished us with documentation which they represent shows that A&M Healthcare has two California members.

In light of the information now in our possession, we are unable to allege the diversity of citizenship that we believed to exist at the time we filed the Complaint. Based on the claims presently asserted, it therefore appears that no subject matter jurisdiction presently exists. Plaintiff intends to re-file this action in the appropriate court, and to avail himself of the protection afforded by CPLR § 205, and for this reason cannot voluntarily dismiss this Action. Plaintiff understands that the Court can *sua sponte* dismiss this Action and respectfully requests that such dismissal be without prejudice to such rights.

Respectfully submitted,



Joshua D. Rievman

cc: Robert D. Goldstein, Esq. (by ECF)
J. William Cook, Esq. (by ECF)